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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MAC- 943/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	APPELLANTS: CLAIMANTS	1. Malti Bai, Widow of Late Shri Nirbhayaram Dhruv, aged about 32 years; 2. Amit Kumar, Son of Late Shri Nirbhayram Dhruv, aged about 17 years; 3. Kumari Sheetal, D/o Late Shri Nirbhayram Dhruv, aged about 14 years; 4. Ajit Kumar, Son of Late Shri Nirbhayram Dhruv, aged about 12 years; 5. Ravi Kumar, Son of Late Shri Nirbhayram Dhruv, aged about 8 years; The appellant No.2 to 5 are Minors, through their Next Friend Mother Smt. Malti Bai. All are resident of Village Gopalpuri, Post Gopalpuri, Tahsil and District Dhamtari (C.G.)
		-Versus-
	RESPONDENTS:	1. Baldeo Singh, Son of Shri Fakir Singh, aged about 55 years, Resident of Near Jhanda Chow Sanjay Nagar, Tikrapara, In front of Police Station Tikrapara, Raipur, District Raipur (C.G.)

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

2 Shamsher Singh, Son of Shri Dalbeer Singh, aged about 45 years, Resident of Shyamnagar, In front of Guirudwara Shyamnagar, Raipur, Tahsil and District Raipur (C.G.)

3. The Oriental Insurance Company Limited, Branch Raipur through the Branch Manager/Branch Office near Adarsh Bal Mandir, Main Road Dhamtari, Tahsil and District Dhamtari (C.G.)

(Miscellaneous Appeal under Section 173 of the Motor Vehicle Act)

Division Bench: -

Hon'ble Shri L.C. Bhadoo &

Hon'ble Shri Sunil Kumar Sinha, JJ.

21-8-2007:-

Shri P.P. Sahu with Shri S.P. Sahu, counsel for the appellants.

Shri Sudhir Agrawal, counsel for the respondent No.3.

Heard.

Oral order dictated on *Dais*.

L.C. BHADOO, J.

The claimants have preferred this appeal under Section 173 of the M.V. Act, 1988 being aggrieved by the award dated 10-5-2007 passed by the Additional Motor Accidents Claims Tribunal, Dhamtari, in Claim case

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

~~No.95/2006 whereby the Tribunal has awarded claim of Rs.5,82,~~528 in favour of the claimants. It has further been directed that the claimants shall be entitled for interest @ 6% per annum on the said amount w.e.f. 12-6-2006 i.e. date of filing of the claim petition.

The only grievance of the claimants raised by learned counsel for the appellants is that in this case, looking to the age of the deceased, which has been assessed by the Tribunal in para-15 of the Award between 40-45, multiplier of 15 ought to have been applied whereas, multiplier of 13 has been applied.

Shri Sudhir Agrawal after going through 2nd Schedule argued that proper multiplier has been applied.

Having heard learned counsel for the parties, we have perused the award. Even though wife of the deceased namely, Malti has stated that the age of her husband was in between 35-40, but the Tribunal in para-15 of the award has observed that since the deceased was working for the last 15-16 years as Chowkidar in the Department, he was working since 1989, he has 4 children, the eldest child is 17 years of age, therefore, his age comes to 40-45 years. However, multiplier of 13 has been applied. If age of the deceased is taken between 40-45, perusal of 2nd Schedule annexed with the Motor Vehicles Act shows that if the age of the victim is in between 40-45, the multiplier of 15 has to be applied. Therefore, admittedly, a wrong multiplier has been applied by the Tribunal. Right multiplier which is applicable in the present case, looking to the age of the deceased, is 15. If multiplier of 15 is applied, then dependency amount which has been assessed as Rs.5,67,528/- should be increased by Rs.87,312. Therefore, appeal to that extent is allowed. Dependency is

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Barve	assessed at Rs.87,312/- more in addition to what has been assessed by the Tribunal. The other conditions laid down by the Tribunal shall remain as it is. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**